

1. This case has been assigned to Track 3 (Complex).
2. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **April 18, 2014**.
3. Disclosure shall proceed in the following manner:
 - (a) The parties shall file a proposed order governing electronically stored information no later than **November 8, 2013**.
 - (b) The parties shall make all disclosures required by Rule 26(a)(1), Fed. R. Civ. P., no later than **November 15, 2013**.

(c) The parties shall file a joint motion for a protective order no later than **November 22, 2013**.

(d) The presumptive limits of ten (10) depositions per side as set forth in Rule 30(a)(2)(A), Fed. R. Civ. P., and twenty-five (25) interrogatories per party as set forth in Rule 33(a), Fed. R. Civ. P., shall apply, except that expert depositions shall not count toward that limit. The parties have agreed that, for depositions taken under Rule 30(b)(6), Fed. R. Civ. P., seven hours of deposition time equals one deposition, without regard to the number of topics discussed or the number of witnesses deposed in that time.

(e) Motions to compel shall be pursued in a diligent and timely manner, but in no event filed more than eleven (11) days following the discovery deadline set out above.

4. **Patent Disclosures**

(a) Plaintiff shall serve on defendant a Disclosure of Asserted Claims and Preliminary Infringement Contentions, pursuant to Local Patent R.3-1, and shall make the document production required by Local Patent R.3-2, no later than **December 6, 2013**. Plaintiff shall assert no more than **30** claims. Upon a showing of good cause, the Court may allow Plaintiff to assert additional claims.

(b) Defendant shall serve on plaintiff its Preliminary Counter-Infringement Contentions, pursuant to Local Patent R.3-3, no later than **January 17, 2014**.

(c) Defendant shall serve its Preliminary Invalidity Contentions, pursuant to Local Patent R.3-4, and shall produce the documents required by Local Patent R.3-5, no later than **January 31, 2014**. Defendant shall assert no more than **30** prior art references.

(d) Plaintiff shall serve any amendment to its Disclosure of Asserted Claims and Preliminary Infringement Contentions, pursuant to Local Patent R.3-1(b), no later than **February 28, 2014**.

(e) The contentions set out above will be deemed to be the party's final contentions, except as set forth in the Local Patent Rules. Amendment of the

Preliminary or Final Infringement Contentions or the Preliminary or Final Invalidity Contentions, other than as expressly permitted herein, may be made only by order of the Court, which shall be entered only upon a showing of good cause.

5. **Additional Conferences with the Court**

(a) A telephone conference will be held at **10:00 a.m. on Monday, March 31, 2014**. Plaintiff's counsel will place the call to my chambers at 314-244-7520 after ensuring all necessary counsel are already on the line. Before that time, the parties shall meet and confer to discuss the possibility of alternative dispute resolution and any adjustments to the schedule set out in this order.

(b) I will set an addition telephone conference after I rule on the claim construction issues. In advance of that conference, the parties shall meet and confer so they can be prepared to propose a schedule for the remainder of the case, including trial.

6. **Claims Construction**

(a) The parties shall exchange Proposed Terms and Claim Elements for Construction, pursuant to Local Patent R.4-1, no later than **March 7, 2014**.

(b) The parties shall meet and confer in good faith for the purpose of narrowing the claim terms to be construed, narrowing or resolving differences, and facilitating the ultimate preparation of a Joint Claim Construction Chart and Joint Prehearing Statement, pursuant to Local Patent R.4-3, no later than **March 14, 2014**.

(c) The parties shall exchange a Preliminary Claim Construction for each claim in issue, pursuant to Local Patent R.4.2(a), and disclose all corresponding extrinsic evidence pursuant to Local Patent R.4.2(b), no later than **March 21, 2014**.

(d) The parties shall meet and confer in good faith for the purpose of narrowing the issues and preparing a Joint Claim Construction Chart and Joint Prehearing Statement, pursuant to Local Patent R.4-2(c), no later than **March 28, 2014**.

(e) The parties shall complete and file a Joint Claim Construction Chart and Joint Prehearing Statement, pursuant to Local Patent R.4-3, by **April 18, 2014**.


(f) The parties shall complete all discovery related to claim construction, pursuant to Local Patent R.4-4, no later than **May 16, 2014**. The parties agree that at this time, plaintiff shall narrow the claims asserted to no more than **20** and defendant shall narrow the number of prior art references to **20**. Upon a showing of good cause, the Court may allow Plaintiff to assert additional claims.

(g) The parties shall file any motions for claim construction, pursuant to Local Patent R.4-5(a), no later than **May 30, 2014**.

(h) The parties shall each serve and file any responsive memorandum, pursuant to Local Patent R.4-5(b), by **June 13, 2014**.

(i) The *Markman* hearing shall be held on **June 27, 2014, at 9:00 a.m.** in Courtroom 14-S.

Failure to comply with any part of this order may result in the imposition of sanctions.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 5th day of November, 2013.